

1909-021 Chancery Causes: J. C. Olinger vs. John R. Horton
Lee Co.

CA-Debt

T-Property

To the Honorable H. A. W. Skeen, Judge of the Circuit Court for Lee County, Virginia.

Your petitioner, J. C. Olinger, would respectfully represent and show unto your Honor that on the 22nd day of July, 1893, he obtained judgment before H. C. Joslyn, a Justice of the Peace for Lee County, Virginia, against John R. Horton or J. R. Horton, who is one and the same person, for the sum of Forty Two Dollars and Thirty Cents (\$42.30) and One Dollar cost (\$1.00) to which has been added Twenty Five cents for Clerk's cost, with interest on said principal sum from the 16th day of March, 1891, until paid, which judgment remains unpaid; that at the

A copy of said judgment & execution issued thereon, and the return on said execution, is herewith filed as part hereof marked 3, 1

Rules 1908, Sallie Parkey and others filed their bill in this Honorable Court against the said John R. Horton and others, the object of which suit is to partition or sell a certain tract or parcel of land, lying and being in said County of Lee on Wallens Creek, and on the North side of Powells Mountain, containing _____ Acres more or less, it being a portion of the tract of land owned by H. N. Horton, deceased, in his life-time, and which descended to his widow and heirs at law at his death, the said John R. Horton being one of said heirs, and to distribute the proceeds of the sale of said land among the said heirs and widow, according to their respective interests therein; that the said judgment was duly docketed in the judgment lien docket in the Clerk's office of this County on the 14th day of December, 1908 and thus became a lien upon the said John R. Horton's interest in said tract of land. A copy of said judgment and the docketing of the same is herewith filed as part hereof, marked 4.

Now the object and prayer of your petitioner is that the

amount of his said judgment be decreed to be paid out of the proceeds of the sale of said land, and out of the share of the said John R. Horton in said proceeds, if the same is sold, but if the tract should be partitioned among said heirs that his said judgment be decreed to be a lien on said John R. Horton's interest in said land and enforced against the same, and for general releif. That the said John R. Horton be made a party defendant to this petition, and answer the same, but not under oath, answer under oath being waived. And your petitioner will ever pray &c.

James W. Orr. for Petitioner

J. B. Clinger
vs Petition.

John R. Horton

Filed Dec 15, 1908
by leave of Court.

H. C. J. Ewing,
Clerk.

1909 2nd Jan'y Rules
Spa. executed & D.

" 1st Feb'y Rules
D. N. confirmed &
cause set for
hearing.

VIRGINIA--LEE COUNTY, TO-WIT:

TO C. E. Cheek Constable of said County:

I HEREBY COMMAND YOU TO SUMMON J. R. Horton

If to be found in your District to appear at my office in said county, on the 22nd day of July 1893 before me or such other Justice of the said County, as may be thereto try this warrant, to answer complaint of J. C. Olinger

and upon a claim for money not exceeding \$100, exclusive of interest, to-wit: For the sum of \$42³⁰ due by Note, and then and there make return of this warrant,

Given under my hand the 22nd day of June 1893.

H. C. Goslyn J. P.

J. C. Olinger
Against J. R. Horton } On the 22nd day of July 1893.
(In debt.) At Goussville in said County.

JUDGMENT, That the Plaintiff recover of the Defendant \$ 42³⁰, with interest thereon from the 16th day of March 1891, till paid, and \$ 1⁰⁰ for costs.

H. C. Goslyn, J. P.

VIRGINIA--Lee County, To-wit: To C. E. Cheek Constable of said County.

I command you in the name of the Commonwealth of Virginia, that of the goods and chattles of.....

J. R. Horton, in your county, you cause to be made the sum of \$ 42³⁰ with interest thereon from the 16th day of March 1891, till paid, which... J. C.

Olinger has recovered before me in a warrant in debt, and also the sum of \$ 1⁰⁰ which were adjudged to the said... J. C.
Olinger for costs in prosecuting said warrant.

Given under my hand the 22nd day of July 1893.

H. C. Goslyn J. P.

J. C. Olinger
vs. B Warrant

J. R. Horton

executed this
17th day of
July 1893.

C. C. Chedz C. L. C.
No Ropty found
this Oct the 5th 1893
C. C. Chedz C. L. C.

3

Filed in my office
Oct 5th 1893
S. J. Richmond clerk

Olinger
vs { Judgt
3
John R Norton.

4.

Upon the hearing of the above warrant, judgement is that the plaintiff

Olinger recover of the
defendant, *J. R. Horton*
the sum of *Forty-two* Dollars and *30* Cents, with
interest thereon from the *16th* day of *March* *1881* till paid, and \$ *1.00*
for his costs. This *22^d* day of *July* *1893*

A. Copy Teste H. C. Jorlyn J. P. *H. C. Jorlyn* J. P.

Virginia, Lee County, to-wit:

To the Sheriff or any Constable of said County:

I command you, in the name of the Commonwealth of Virginia, that of the goods and chattles of
John R. Horton in your County,
you cause to be made the sum of \$ *42.30* with interest thereon from the *16th* day
of *March* *1881* till paid, which *J. C. Olinger*
has recovered before me in a Warrant in Debt, and also the
sum of \$ *1.00* which were adjudged to said *J. C. Olinger*
for costs in prosecuting said warrant. Given under my
hand the *22^d* day of *July* *1893*

A. Copy
Teste H. C. Jorlyn J. P.

H. C. Jorlyn J. P.

Copy.
J. B. Clinger
vs.
J. R. Horton

Docketed in J.L.D.
4, page 134.
Dec. 14, 1908.

H. C. Hewing,
Clerk.

4

J. P. Cost	1.00
Copy	25
	<hr/>
	1.25

Clerk 25¢

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

John R. Horton

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on the *3rd* Monday in *January*, 190*9*, to answer a bill in chancery exhibited against

petition against him filed by J. C. Olinger in the Chancery cause of Sallie Parker, et al, Plaintiffs, vs. J. R. Horton, et al, Defendants.

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *28th*

day of *Dec*, 190*8*, and 1*33* year of the Commonwealth.

A Copy, Teste:

H. C. T. Ewing, Clerk

_____, Clerk

J. C. Clinger

VS

SUBPOENA
IN
CHANCERY

John R. Horton

Jas. W. Orr, p. q.

To

2nd Jan'y
Lee Circuit Court
1909.

Rules

Court

Executed By Delivering
a true copy to
John R. Horton
This Jan 2, 1909
W. E. Gibbs, U.S.
per W. J. Tucker & Co